UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/286
2 August 1995

ENGLISH
Original: SPANISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Documents submitted in compliance with a request of the Committee under article 9, paragraph 1, of the Convention*

MEXICO*

[31 July 1995]

I. ADDITIONAL INFORMATION

1. Mexico hereby submits for the Committee's consideration this document supplementing its ninth and tenth reports on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination. It contains an overview of the steps taken to provide support for vulnerable groups in Mexican society.

2. Everyone in Mexico is free to choose any lawful activity, profession, business, trade or type of work they wish. To guarantee everyone in Mexico the right to work, the Constitution expressly lays down a series of prohibitions designed to prevent individuals from being forced to work against their will. The labour legislation also sets forth a series of limitations on work for certain groups of people, such as minors.

3. Article 133, paragraph 1, of the Federal Labour Act stipulates that employers cannot refuse to accept workers on the basis of age or sex. There are, however, legal limitations against hiring persons under the age of 14, and even, for some types of work, against hiring persons between 14 and 16 years of age when they have not completed elementary school. To hire a

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* The present document contains additional information pursuant to a request of the Committee in decision 2(46) adopted on 4 March 1995.

person between 14 and 16 years of age it is necessary to have permission from the parents or guardians or, failing the parents or guardians, of the trade union to which they belong, the Conciliation and Arbitration Board, the Inspector of Labour or the relevant political authority (Federal Labour Act, art. 23).

4. In addition to the above-mentioned legal framework, mention should be made of the Programme of Action for Children which in 1991 began programmes of assistance to minors in especially difficult circumstances. Particular attention has been given to the programmes on street children, children of antisocial and parasocial behaviour, children of migrant workers and indigenous children in situations of extreme poverty. The programme involves various agencies in both the capital and federative entities.

5. Eleven specific programmes have been established for children in especially difficult circumstances: preventive action for juveniles and street children, working children, abused children, drug-dependent children, institutionalized children, disabled children, children of migrant workers, indigenous children in situations of extreme poverty, refugee children and finally, returnee children.

6. The above-mentioned programmes are comprehensive and apply to children in general, with no differentiation whatsoever between boys and girls. The programmes do not mention or stipulate any difference between the sexes.

7. As regards the third age, Mexico has been working firmly and steadily on behalf of this group, beginning in 1979 with the establishment of the National Institute for the Elderly (INSEN) a decentralized government agency with its own legal status and assets.

8. The purpose of the Institute is to help, assist and guide senior citizens and to study their problems to find appropriate solutions. To that end it undertakes action to achieve its objectives, including: recreational events, continuing education and training programmes, and reductions for public transport, museums, optical equipment, pharmacies, laboratories and shops in general.

9. Mexican labour legislation protects the right of women to work and to enjoy all the benefits laid down in the labour legislation for male and female workers, with no distinction among sectors or branches of activity making up or that may be considered to be part of the formal economy; that is to say, the legislation in force is equally valid for the so-called unstructured sector of the economy and therefore its precepts also govern labour relations in that sector.

10. The main difference and inequality affecting women lies in the workload assigned them by society in terms of housework and child care, which are considered to be the inherent and exclusive responsibility of their sex. As in many other countries, this situation has forced Mexican women to join the labour market without benefiting from the social conditions that would enable them to free themselves of this "double work day" and provide them with sufficient support for their family unit and their children's upbringing not to be disrupted or diminished.

11. Of the country's total population (81,249,645), 39,893,969 are men and 41,355,676 are women (1990 census). In past decades, Mexican women traditionally worked in the home, on an unpaid basis, while the men were responsible for supporting the family. However, from the 1970s on, women's participation in paid jobs has been increasing in both absolute and relative terms. This is due to the economic crisis, the increase in the number of single mothers and the expansion of the assembling industry, which gives preference to hiring female labour. An analysis of trends in recent years shows that the growing participation of women in the workforce has already become a structural pattern and will continue to increase. In the immediate future, despite the drop in the demographic growth rates, the economically active female population will continue to grow at a high rate, i.e. 3.2 per cent yearly, after increasing from 17.6 per cent to 19.6 per cent between 1970 and 1990.

12. As regards the economically active population nationally, according to the 1990 population census there were 24,063,283 people of working age, of whom 18,418,695 were men and 5,644,588 women, representing a proportion of 68.0 and 19.6 per cent respectively.

13. It should be noted that despite measures to eliminate and prevent prejudice against women by better integrating women into national life, the patterns of behaviour, traditions and customs of the Mexican people are such that many years will be required to effect a change in attitudes and ideas concerning the roles considered to be specifically assigned to each sex. Progress has been made in this area, but much remains to be done. In rural areas especially, it has been difficult to effect the cultural changes needed to eliminate attitudes and standards that place the female sex in a subordinate position to the male.

14. As noted above, the Mexican Constitution states that everyone, independently of race, sex and religion, may seek and establish a labour contract in the field most appropriate to their interests, on the sole condition that the activity is lawful, from which it follows that all workers, men and women, ethnic minorities, older people and foreigners legally residing in Mexico, are entitled to equal pay for equal work. Article 123, paragraph VII, subparagraph A, lays down the principle of equal pay for equal work, without regard to sex or nationality.

15. As regards young people, the demographic growth rate is higher than the rate of job supply in industry, services and the countryside. This is compounded by the economic restructuring process and the existing asymmetry between young people's level of preparation and the requirements of employers. Nevertheless, a significant proportion of workers in the formal sector are young and have the same rights and obligations as adults.

16. In accordance with the legislation in force, women have the same rights and obligations as men as regards working conditions, and indeed working women enjoy specific social benefits such as paid maternity leave for 45 days before the birth and 45 days after it, in addition to two half-hour rest periods per day to breast-feed their children, and a day-care service, basically designed to protect mothers; they are also protected by not having to perform unhealthy or dangerous work, industrial work at night, work in trade or service

establishments after 10 p.m. or overtime work during the period of pregnancy or breast-feeding. Pre- and post-natal sick leave is paid and recognized for purposes of seniority. It should be noted that we are referring here to working women who are registered in the formal labour market. Regarding workers in the informal labour market, although labour rights are laid down for them in the Constitution and the country's Labour Act, they cannot be clearly standardized by the Government because of the very features of the informal labour market.

17. However, the actual situation is quite different, since many women earn a lower wage than men for similar functions. This is due to the erroneous idea that women work for "extra" income, since they are usually not the only breadwinner; although this observation is to some extent correct, given that women's monetary contribution has become indispensable for satisfying the basic needs of the family or domestic unit, due to the drop in purchasing power stemming from the economic crisis and adjustment policies, it is undeniable that the sex-based division of labour and the impact of the crisis itself, which has been to increase the number of working women, have contributed to a situation where the work and employment of women continue to be undervalued.

18. On 8 March 1995, with a view to the forthcoming Fourth World Conference on Women, held in September 1995 in Beijing, China, President Ernesto Zedillo announced the establishment of the National Programme for Women, under the responsibility of the Department of the Interior. The Programme will have an advisory board composed of both women and men and an inspectorate made up of representatives of women's organizations and movements.

19. The Programme includes far-reaching legislative amendments to give effect to the egalitarian provisions of article 4 of the Constitution, as well as amendments to the Civil Code to give proper recognition to women as heads of families, and combats violence in the family by introducing reforms to the Penal Code, which classify crimes of violence against the physical and moral integrity of women much more harshly. The Programme provides for adjustment of the laws governing the welfare agencies in order to equalize the rights of women heads of families; as regards heads of families in general, the Programme also maintains the right of all individuals to decide freely, responsibly and in an informed manner how many children they will have, intensifies educational programmes on women's health and strengthens work training programmes especially designed for women.

20. The National Programme for Women includes literacy courses for rural women, working women and women in conditions of poverty and marginality, and is also aimed at preventing women from dropping out of school and improving social security systems for working women.

21. All ethnic groups enjoy the same rights and obligations as the rest of Mexican society. The problem might lie in the handling of traditional crops or crafts which often provide only a basic or even marginal means of existence. The Government has been conducting support programmes for certain small business projects in the ethnic groups' places of origin. In addition, the Ministry of Labour and Social Welfare, together with the National Institute of Anthropology and History, carry out development programmes for

production and service cooperatives in indigenous communities, for the purpose of avoiding or reducing migration and the impairment of cultural identity. It should be emphasized that members of ethnic minorities have, as Mexican citizens, the same rights and obligations as other Mexicans.

22. Older workers have the same rights and obligations as other citizens, in employment, essentially in the formal economy sphere. When they reach an advanced age and are entitled to a rest, they are protected by social security, which continues providing them with medical services and care as well as retirement allowances or old-age pensions; the benefits are given not only to the pensioners but also to their dependants. As in the case of women, pensioners often work to supplement their pension, although they receive less than a younger worker would under equal circumstances.

23. In this connection, the National Institute for Statistics, Geography and Information Science (INEGI) indicates that the proportion of people with incomes below the minimum wage can be grouped into five major occupational categories; this proportion is higher among women than men, as can be noted from the following table.

OCCUPATIONAL CATEGORY	LESS THAN MINIMUM WAGE		MORE THAN MINIMUM WAGE	
	M	F	M	F
Professional and technical	3.1	4.3	96.9	95.7
Office workers	4.7	7.0	95.3	93.0
Merchants and sales people	23.3	55.0	76.8	45.0
Service workers	22.5	55.0	77.5	53.9
Industrial workers	37.5	53.7	62.5	46.3

24. INEGI adds that, regarding working conditions, 26 per cent of working women work less than 40 hours or over 48 hours per week and receive less than the minimum wage. The proportion of men in this situation is 18.3 per cent.

25. Regarding the corresponding data for the unstructured or informal sector, according to INEGI 35.4 per cent of all workers in the unstructured or informal sector earn less than the minimum wage because of their lack of training and elementary education, which forces them to work in low-paid jobs, although many earn more than the minimum wage because they combine jobs to increase their income.

26. Furthermore, 33.4 per cent of working men are found in this sector; 25.1 per cent of them earn less than the minimum wage. As for working women, 32.5 per cent work in the informal sector, where approximately 55.8 per cent earn less than the minimum wage.

27. Foreigners generally work in Mexico for short periods of time only, in specific technical or artistic activities or in professional sport. Those foreigners who have resided in the country for a certain time have the legal

possibility of acquiring Mexican nationality under articles 7 to 29 of the Nationality and Naturalization Act, that is to say, they may become Mexican.

28. The only restriction placed on foreign workers by the legislation in force is that they may not be members of the governing bodies of trade unions (Federal Labour Act, art. 372, para. II); this does not prevent them from performing other trade-union functions.

29. The Federal Labour Act is also applicable to foreign migrant workers, provided they reside legally in the country and have the necessary work permit, issued by the Department of the Interior. In principle they enjoy equality of treatment with Mexicans and have the same opportunities and the same possible standard of living as any Mexican worker; in most cases these workers receive better benefits than Mexican workers.

30. As regards disabled people, there have been a series of amendments to laws, including the regulations applicable to people with any degree of disability, impairment or handicap, all of whom are termed disabled (the World Health Organization distinguishes three types of disability).

31. Article 173 of the General Health Act of Mexico states: "Disability is understood to mean the limitation of an individual's ability to carry out by himself the activities necessary for his physical, mental, social, occupational and economic development, as a result of a physical, psychological or social deficiency".

32. Article 15 of the Federal Education Act lays down the right of disabled people to "special education or education of any other type or form in accordance with the educational needs of the population and the particular features of the groups comprising it".

33. There are recreational support measures to ensure that disabled people receive the facilities needed for their development (Regulation for Assistance to the Disabled in the Federal District, art. 15); educational establishments must include physical and administrative facilities to allow the free entry of disabled people, libraries must have Braille editions of books; and certain shops and pharmacies in the Department of the Federal District must sell prosthetic devices, tools and accessories for disabled people (Regulation for Assistance to the Disabled in the Federal District, art. 21).

34. The administration and dispensing of justice is one of the State's most important functions and one of society's most strongly expressed demands. Therefore, in order to make justice more accessible, the Mexican Government, in addition to establishing independent and effective courts, has focused much of its effort on the establishment and strengthening of a court-appointed defence system, to guarantee access to justice for everyone lacking the economic means to meet the costs of private counsel.

35. Free legal aid services may be requested voluntarily by the parties concerned in labour and civil proceedings, but are obligatory in criminal and family cases. Thus, when an individual involved in criminal or family

proceedings has not designated a lawyer to defend his case or lacks the means to pay one privately, the State will pay a court-appointed lawyer to defend him.

36. On 9 February 1922 the Act relating to the Federal Court-Appointed Defence System was adopted, establishing a corps of defence lawyers responsible for defending offenders lacking their own lawyer in criminal proceedings before the federal authorities. This corps of defence lawyers is under the supervision of the Supreme Court of Justice of the Nation and has been expanded and strengthened, with the result that in 1993 it was able to provide legal assistance in approximately 37,500 cases. Its services are free.

37. In family law cases, all problems relating to the family are considered to be in the public domain. An attempt is therefore made to ensure that the parties involved in all legal proceedings are assisted by accredited lawyers. Some relevant provisions on this subject are found in the Federal Code of Criminal Procedure and the Code of Civil Procedure for the Federal District, which even stipulate that hearings shall be suspended when any of the parties is not assisted by a lawyer and then require the judge to assign a defence lawyer to the individual concerned.

38. At the local level, the court-appointed defence system is not limited to criminal cases. Most of the States making up the Federation have legislation relating to a court-appointed defence system for the ordinary courts, which contains the constitutional obligation to provide free legal aid in criminal and family law proceedings and legal aid in other cases, to individuals lacking economic resources.

39. The court-appointed defence system is not the only means for dispensing free legal aid in Mexico. There are also the branches of the public prosecutor's office, which were established by the State to provide assistance and advice in specific fields. Mention should be made of the Federal Prosecutor's Office for Labour Defence, responsible for representing and advising workers and trade unions before any authority regarding matters involving the application of labour standards, and the National Scheme for Comprehensive Family Development (DIF), which has an extensive assistance programme in family matters, of which free legal aid is only a part. There are also branches of the public prosecutor's office specializing in other matters (consumer affairs, minors, etc.).

40. Finally, mention should be made of the amendments to 27 articles of the Mexican Constitution, introduced at the initiative of the President of the Republic last December, for the purpose of strengthening the federal judicial system and the independence of the judiciary. The most important innovations provided by these amendments are: membership and appointment process for the Supreme Court of Justice of the Nation, changes in the Court's competence and that of the other courts, establishment of the Federal Council of the Judiciary; extension of the general effect of certain Supreme Court decisions and new procedures for the constitutional review of legislation.

II. REPORT ON CHIAPAS: THE FREE AND SOVEREIGN STATE OF CHIAPAS

A. Territory and population

41. The Free and Sovereign State of Chiapas, located in the south-eastern part of the country, has an area of 73,887 square kilometres (3.8 per cent of the national total). It is bounded by Tabasco in the north, Guatemala in the east, Oaxaca and Vera Cruz in the west, and the Pacific Ocean in the south. Intersected by the Sierra Madre, it is irrigated by 46 rivers, two of which (the Grijalva and the Usumacinta) flow northwards and collect 15 per cent of Mexico's rainfall in its basins.

42. In 1980 the population census of the State of Chiapas registered 2,084,717 inhabitants (3.1 per cent of the national total) and in 1990 3,210,496 (4 per cent of the national total of 81,249,615), with an intercensal growth rate of 3.6 per cent (higher than the national average of 2.6 per cent); it is the federative entity with the eighth largest population. However, according to the 1990 census, the State of Chiapas has a negative migratory flow, with a difference of nearly 125,000 inhabitants.

43. According to the 1990 census, the employment rate in Chiapas was 97.7 per cent. Of its workforce, 58.3 per cent worked in the primary sector (agriculture, stock-raising, forestry, hunting and fishing), 11.1 per cent in the secondary sector (mining, oil and gas drilling, manufacturing industry, electricity and construction) and 27.4 per cent in the tertiary sector (trade and services) with the remaining 3.1 per cent unspecified.

44. The State has a large indigenous population (958,936 people), comprising 11 ethnic groups, which include: Tzeltales (322,000), Tzotziles (306,000), Choles (119,000), Zoques (87,000), Tojolabales (66,000) and Mames (23,000); other, smaller groups are: the Mochos (8,000); Cakchiqueles (3,000) and Lacandones (approximately 500 people).

45. The 1990 census recorded that 5,282,347 Mexicans speak an indigenous language, representing 7.5 per cent of the total number of people five years of age and over. Of this population, 80.2 per cent also speak Spanish. The monolingual population, that is those who speak only an indigenous language, has decreased considerably in the last 20 years.

46. According to the census, 87.1 per cent of the Mexican population between 6 and 14 years of age can read and write; if however children under the age of 8 are excluded from this figure, the proportion is above 90 per cent.

47. Illiteracy in Mexico, in comparison with 1970, has dropped considerably, from 25.8 per cent at that time to 12.4 per cent in 1990. At the State level, the highest illiteracy rate is found in Chiapas, although it dropped from 45.4 per cent in 1970 to 30 per cent in 1990.

48. As regards religion, according to the findings of the last census, conducted in 1990, the Chiapas population is mostly Catholic, with 67.6 per cent of individuals declaring that to be their religion;

16.3 per cent said that they were Protestant or evangelical and 1.9 per cent that they belonged to other religions, including the Jewish religion; 12.7 per cent said they had no religion and 1.5 per cent did not specify a religion.

B. General political structure

49. The State of Chiapas, as a federative entity of the Mexican Republic, is free, sovereign and autonomous. It has its own Political Constitution with the same division of powers as the national Government: executive, legislative and judicial. Its political division is in the form of municipalities, governed by the respective municipal councils.

50. Mexico was inhabited by the Maya for 3,000 years before the common era, and there remain excellent vestiges of this highly-developed culture in Palenque, Yaxchilán and Ocosingo; from those places there were migrations towards Petén Itzá, in Guatemala, and the Mayab (Yucatan). The sedentary groups, divided into Zoques, Tzeltales, Tzotziles and Lacandones, were dominated by the Chiapas, whose empire extended from Tuxtla to Chontalpa, in Tabasco.

C. Government programmes and action in Chiapas

1. National Institute for Indigenous Affairs

51. The measures adopted by the National Institute for Indigenous Affairs (INI) to guarantee the indigenous communities of the State of Chiapas full enjoyment of human rights and fundamental freedoms under conditions of equality have principally concerned the administration of justice.

52. Efforts to promote justice for indigenous people, taking their main demands into account, focus on activities aimed at the release of indigenous prisoners, the resolution of agrarian problems and the defence of indigenous labour rights, with a view to overcoming social inequalities and legal problems and eliminating delays in the dispensing of justice.

53. The Administration of Justice Department was accordingly established for the purpose of significantly developing judicial proceedings, which in previous years were uncoordinated and determined by pilot programmes, especially as regards the treatment of indigenous prisoners. Judicial action has now been organized in the following areas: criminal, legal anthropology, agrarian, labour, civil register and civil organizations.

54. In the criminal sphere, activities focus on identifying indigenous people who have been deprived of their liberty and providing the legal defence and advisory assistance needed to secure their release. In the matter of legal anthropology, special emphasis has been placed on the dissemination of materials on indigenous rights and the participation of translators in legal proceedings that involve indigenous people. In agrarian matters, studies are conducted to determine the total number of indigenous households that are entitled to special protection under the law and attention is given to agrarian questions in general.

55. With regard to labour rights, legal training courses and workshops have been conducted in areas with a high concentration of migrant workers. Activities related to the civil register aim at ensuring that members of ethnic groups are duly registered in order to establish their status as citizens.

56. Through the support group for civil organizations, projects are developed on training, legal counselling, research, etc. for the defence of indigenous rights.

57. Considering that nearly 35 per cent of the State's entire population, which numbers 3,210,496, is indigenous, and that according to information from the 1990 population census 13.55 per cent speak an indigenous language, activities aimed at indigenous people are particularly important, especially if we take their socio-economic, political and legal circumstances into account.

58. In tnis connection, the prison census conducted in Chiapas served to determine the number of indigenous prisoners and led to the development of activities aimed at securing their release.

Agrarian survey

59. Chiapas is a State with a mostly indigenous rural population living in small communities of under 1,000 people; it is significant that a great deal of irregularity exists in respect of land tenure. According to the agrarian survey conducted by the INI's Administration of Justice Department, communities with the highest number of agrarian petitions and disputes are seen in towns characterized by a high degree of marginality and extreme poverty and where also there are large concentrations of land. The petitioners are mainly Tzotziles, Tzeltales, Choles, Tojolabales and Mames.

60. There is a high incidence of such disputes in the frontier region, especially the town of Las Magaritas and the towns of Ocosingo and Palenque in the Selva region. Numerous cases of irregular land occupancy are found in the towns of Las Margaritas and Ocosingo. The municipal authorities of both regions have received many complaints of land plundering from small landowners, boundary disputes and requests for action to be taken on presidential decisions.

61. In the central region the most acute agrarian problems are found in the towns of Venustiano Carranza, Villa Flores, Tecpatan, Coapinalá, Angel Albino Corzo and San Fernando. There are a large number of complaints of land plundering and boundary disputes. In the Sierra Madre region, the towns of La Grandeza, Siltepec, Motozintla, Bellavista and Amatenango de la Frontera report mostly boundary disputes with some complaints of land plundering.

2. Office of the Attorney-General for Agrarian Affairs

62. On 27 February 1992, the Agrarian Act was published in the Diario Oficial, establishing the Office of the Attorney-General for Agrarian Affairs as a decentralized body attached to the Agrarian Reform Secretariat.

63. The Office is a Federal Administration body that has social welfare functions and is responsible for defending the rights of members of ejidos and communes and their successors, ejidos and communes themselves, small landowners, villagers and agricultural day labourers, through the powers conferred on it by the Agrarian Act and the institution's by-laws.

64. In keeping with these principles, its activities are devoted to legal representation and administrative or judicial management, information and guidance, assistance, organization and training, and to conciliation and arbitration in disputes and conflicts around agrarian matters or life in the ejidos, as provided for in article 136 of the Agrarian Act and its by-laws. The Office offers assistance at the community, group and individual level.

65. Listed below are the activities conducted since the Office of the Attorney-General for Agrarian Affairs was established to defend agrarian rights, in particular in the State of Chiapas.

66. Agrarian matters dealt with in the State of Chiapas. From April 1992 through March 1993, the Office received 9,076 applications concerning miscellaneous and legal matters in the State of Chiapas, of which it completed work on 7,763, or 85.53 per cent; 1,313, i.e. 14.47 per cent of the total, are still being processed.

67. Applications concerning the land tenure system, received from April 1994 through March 1995. Of the 5,275 applications received in the State of Chiapas, 4,150 came from ejidos, 346 from communes, 636 from small land holdings, 46 from State-owned lands, 8 from Colonos (Indians bound to estates) and 89 from other people with agrarian problems.

68. Applications received in the State of Chiapas and cases considered from April 1994 through March 1995:

(a) In the area of guidance and information, 1,528 applications were received and action was taken on 1,546, which included applications pending;

(b) 1,486 applications relating to conciliation matters were received and action was taken on 1,415;

(c) Three applications for arbitration were received, action was taken on two and one is pending;

(d) 400 applications for legal representation were received, action was taken on 167 and 233 are pending;

(e) 802 applications relating to summonses to and attendance at assemblies were submitted, action was taken on 756 and 46 are pending;

(f) 435 applications for legal advice were received, action was taken on 296 and 139 are still being processed;

(g) 517 applications relating to legal representation and administrative management were submitted, action was taken on 319 and 193 are pending;

(h) Seven applications relating to criminal and administrative complaints were received, action was taken on one and six are pending;

(i) In addition to the above-mentioned activities, the Office conducts the Programme of Certification of Ejido Rights and Tenure of Urban Sites (PROCEDE). The Programme is aimed at achieving undisputed property rights for agrarian units in general. From April 1993, when the Office began the programme in the State of Chiapas, through May 1995, 159 meetings were held for the purpose of delimiting and assigning lands in the State, with work being concluded on 151 ejidos, for which 39,242 documents of certification and tenure of ejido rights were issued for 15,659 individuals or families.

69. In keeping with the Government's current social policy, the Office has drawn up a general work programme which includes a component entitled "Defence of Indigenous Communities and Groups". The purpose is to represent and organize indigenous groups and provide them with services and information to defend their rights. The Programme also aims at promoting the integrity of indigenous communities and helping them to obtain better standards of living.

3. National Solidarity Programme

70. One of the factors that has most contributed to marginalization and isolation in Chiapas has been the fact that the population is very dispersed. Unlike the rest of the country, Chiapas still has a high proportion of its population in rural areas, since only 40.4 per cent of its population resides in urban communities (the national average being 71 per cent), whereas 59.6 per cent is divided into 16,302 communities of under 2,500 inhabitants, over 12,000 of which have fewer than 100 inhabitants and 7,000 of those only 10 residents or under.

71. The Mexican Government is devoting considerable efforts to the State of Chiapas in order not only to help overcome the marginalization and social backwardness of its population, but also to encourage productive projects in an attempt to tackle the causes of poverty and combat the marginalization of communities directly.

72. Although conditions of social backwardness persist for a large portion of the State's population, the progress described in this report attests to the sustained effort of the federal Government to make up for the neglect from which Chiapas has suffered for decades and the fact that it has been left out of the nation's development. As part of this effort, special attention has been given to the indigenous population, with a greater amount of assistance being channelled to the regions, towns and communities where indigenous peoples have settled.

73. One fundamental action towards this end was the designing in 1994 of flexible mechanisms for responding to demands by marginal groups; accordingly 17 Indigenous and Peasant Welfare Units were established, in order directly to attend to the proposals, requests and claims of the various social welfare organizations in the State and ensure prompt follow-up to the commitments made.

74. From 1991 to 1994, social development expenditure in Chiapas increased by 93.3 per cent in nominal terms and 48.6 per cent in real terms.

4. The armed conflict in the Los Altos, Selva and border regions of the State of Chiapas

75. On 1 January 1994 violence broke out in the regions of Los Altos and Selva in the State of Chiapas. The first negative effects of the emergence of an armed group called the Zapatist National Liberation Army, which made social and political demands and declared war on the Mexican army and Government, were felt by the population living in the area concerned by the conflict. The towns of Ocosingo, Altamirano and Las Margaritas were thus the main places fled by the civilian population, who, being pressured to join the revolt under threat of physical harm chose to emigrate and abandon their property.

76. Early in the conflict the Mexican Government clearly demonstrated its willingness to join in a dialogue and establish channels to meet the demands of the dissidents and to continue its social welfare and economic development programmes in the State.

77. Parallel to the efforts to establish channels of communication for meeting the armed group's demands, a programme of support for displaced families was set up to provide food and medical care, in coordination with the solidarity committees, the International Red Cross and the municipal authorities.

Inter-Agency Committee for Assistance to the Population Displaced by the Conflict

78. In March 1994 the Inter-Agency Committee for Assistance to the Population Displaced by the Conflict was established; it comprises the Department of Social Development (SEDESOL), the National Institute for Indigenous Affairs (INI), the National Scheme for Comprehensive Family Development (DIF), the Mexican Social Security Institute (IMSS), the Development Planning Commission (Coplade), the Red Cross, the National Educational Development Council (Conafe), the National Adult Education Institute (INEA), the National Water Commission (CNA) and Conasupo Distribution (DICONSA).

79. This Committee's main objective is to coordinate the agencies' efforts to provide food, clothing, blankets, inflatable mattresses and medical services for people who had left their communities and taken refuge in temporary shelters on the assumption that the conflict would be short-lived and that it soon would be possible to return to their places of origin.

Assistance for displaced persons

80. Through the Inter-Agency Committee, assistance is being organized on a systematic basis for displaced persons and responsibilities defined. Two groups were identified, i.e. displaced people living in collective shelters (public facilities) and those living in private homes, and it was decided that the IMSS would be responsible for assistance to the first group while those living in private homes would be looked after by the DIF. A mechanism for

dealing with the needs of displaced persons was also established, involving weekly meetings for analysing their needs and channelling their requests to the corresponding agencies for consideration.

81. At the beginning of the armed conflict the displaced population numbered approximately 12,000. This number has varied in response to the atmosphere of instability created by the armed group and the pressures created by clashes among social welfare organizations within the State.

82. In mid-1994 a first attempt was made to provide support for returnees. A plan known as the "Back to normal" plan was carried out, consisting in aiding those members of the displaced population who wished to return to their places of origin. The plan failed and there was even an increase in the emigrant population, which rose to its highest level in December as a result of the armed group's announcement that it was breaking the truce. This caused overcrowding of the shelters and an increase in the demand for food, blankets, inflatable mattresses and medical care.

83. From February to December 1994, MN$ 27,448,220 were invested covering 5,363 families totalling 25,144 inhabitants in the conflict area, which means that each family received support averaging slightly more than MN$ 5,000 in a period of 11 months. The main action taken concerned: food supply, medical services, grants for orphans, plastic water receptacles, coverlets, inflatable mattresses and clothing in general, sheets and bags, household goods, home improvement kits, transport to places of origin and drinking-water processors.

84. A survey conducted by DIF showed that the communities of origin of the displaced population are located in 211 population centres in the towns of Ocosingo, Palenque, Altamirano, Las Margaritas, La Trinitaria, La Independencia, Chenalho and Chicomuselo.

Return to the communities

85. In February 1995, once the minimal conditions for reincorporating displaced persons into their communities had been restored, the Inter-Agency Committee, in coordination with the Mexican army, the Department of Public Education (SEP) and the State Government, took a series of steps to assist the population residing in the conflict area, with special emphasis on support for the return of the displaced.

86. Generally speaking a strategy has been established and implemented that provides for support to be given primarily through social welfare and productive activities aimed at restoring normal conditions in the region. This includes support for reincorporating displaced groups into their communities. An attempt is made to ensure that these efforts take place in a climate of security and agreement among the groups themselves. Efforts are also directed towards developing and carrying out social service and infrastructure activities in the affected communities and encouraging productive projects with a view to creating viable alternatives for sustainable development.

87. The action being taken to secure the return of displaced persons takes the following forms:

(a) Entering information from all the agencies into a single data bank and conducting a survey of all the families involved to pinpoint needs and places of origin;

(b) Determining criteria for the return of displaced persons, by establishing the following mechanism;

(i) Agreement with the communities and their organizations on how to determine priorities and coordination arrangements;

(ii) Prior visits to communities to identify needs and define support projects. Visits for identifying needs are conducted in coordination with the community representatives, while the SEDESOL Welfare Units give priority to projects;

(iii) The logistics of the return process entails identifying the communities of origin closest to the chief towns and then moving out from those towns in stages towards the most remote areas.

88. The Mexican army has played an essential role in this context in providing the returning groups with logistical support, as have 200 members of the engineering and machinery corps in helping with reconstruction work in the communities, health services and food distribution.

Restoration of services

89. Work is under way to restore the services suspended due to the conflict and ranges from logistics design for the delivery of support kits to the reopening of schools and medical units. The following activities are worthy of mention:

Health

90. The Department of Health and the Mexican Social Security Institute have prepared a comprehensive programme for the rehabilitation of medical units and the expansion and improvement of preventive medical services. These activities include:

(a) The completion, fitting out and entry into operation of the hospital at Altamirano;

(b) Rehabilitation and entry into operation of the Guadalupe Tepeyac hospital;

(c) Beginning of construction on 17 Rural Medical Units;

(d) Reopening of 10 Rural Medical Units (UMR);

(e) Entry into operation of mobile medical units for the extension of health services to returnee communities.

Education

91. The Department of Public Education, in coordination with the State Government, has prepared a programme for the return of teachers, in preparation for the resumption of educational services. Facilities will be renovated and teaching materials will be provided, according to conditions in schools and the extent to which the displaced persons return.

92. The following activities will be conducted with a view to normalizing educational services in this area:

(a) Renovation and reopening of 510 schools closed at the beginning of the conflict, 381 of which are located in the towns of Ocosingo, Altamirano and Las Margaritas;

(b) Training and awareness-raising for 1,300 displaced teachers;

(c) Technical assistance for educational, agricultural and industrial programmes, an agreement between the communities and the authorities, through mobile units;

(d) Special literacy and production programme for women, through the INRA, linked to productive projects under the responsibility of SEDESOL;

(e) School breakfast programme for all children who have rejoined their communities, supplemented by a nutrition programme sponsored by the DIF;

(f) Expansion of CONAFE's Programme for the Promotion of Indigenous Communities;

(g) Special grants programme for the 1995-96 school year;

(h) Summer programme of remedial teaching using trainee teachers from teacher-training schools.

The family economy

93. Funds have been allocated to rebuild the foundations of the family economy. To this end, the National Institute for Indigenous Affairs has set up a contingency fund for groups of displaced persons with a capital of MN$ 2 million to support the backyard economy.

94. The regional solidarity funds have allocated MN$ 11.3 million for Ocosingo, San Quintín, Tanipe:las, Las Margaritas, Palenque, Santo Domingo and Sitalá, which will provide support for 35 productive projects.

95. Under the programme of assistance for coffee growers, support will be given to functional groups in Ocosingo, Las Margaritas, Santo Domingo and

Palenque, benefiting 29,200 farmers working on 46,000 hectares of land. The total investment of MN$ 9.3 million comprises MN$ 200 per hectare of arable land. Priority is given to groups of displaced persons.

96. To ensure that supplies are available, DICONSA is taking steps to reopen 69 community stores located in the conflict area.

Infrastructure

97. Rebuilding infrastructure is another priority. The Department of Social Development (SEDESOL), the Department of Agriculture, Stock-raising and Rural Development (SAGDR), the Department of Communications and Transport (SCT), the National Water Commission (CONAGUA) and the Federal Electricity Commission (CFE), in concert with the communities and the State and municipal authorities, select priority infrastructure projects in each of the displaced communities that had suffered because of their isolation. To this end, all forms of investment have been combined to achieve an overall result and avoid dispersion of resources.

98. The National Water Commission is planning to carry out 33 drinking water projects in the towns of Altamirano, Las Margaritas and Ocosingo. The Federal Electricity Commission will provide electricity to 74 communities. The Department of Social Development, through its Indigenous and Peasant Welfare Units, has accumulated requests for investment projects amounting to over MN$ 54 million in the towns mentioned above. The Department of Communications and Transport is to allocate MN$ 291.5 million for the construction, reconstruction and maintenance of 619 km of rural roads and highways.

Land tenure

99. The Office of the Attorney-General for Agrarian Affairs and the Agrarian Reform Secretariat are stepping up their efforts to review cases concerning land tenure and revalue the compensatory income to be paid to groups situated in the area so that such payments may be made to the persons concerned when they begin or complete their return journeys to their places of origin and may serve as further assistance for their reinstallation. Groups occupying land in the Montes Azules biosphere reserve and in the community of Lacandona are offered the alternative of a trust arrangement pending a review of their situation in the near future.

Social integration strategy

100. One of the Federal Government's major concerns connected with the return of displaced persons is the split that has occurred in the original communities between those who left and those who remained and who share the views of the EZLN. This gives rise to hostile attitudes that undermine the basis for harmonious coexistence.

101. The Mexican Government is seeking to promote the integration of these groups through activities for the benefit of the entire community: encouraging community participation in achieving common goals, promoting

dialogue and distributing the gains from such activities in an equitable manner and overcoming ideological, religious or partisan disagreements in the interests of reconciliation.

Progress in promoting the return of displaced persons

102. On 21 February 1995, the process of return began for those who had been displaced, coordinated by the inter-agency group formed by the Department of National Defence (SEDENA), the Health Administration (SS), the Mexican Social Security Institute (IMSS), the National Scheme for Comprehensive Family Development (DIF), the Department of Public Education (SEP), the National Institute for Indigenous Affairs (INI) and the Department of Social Development (SEDESOL), in cooperation with the State and municipal authorities.

103. The process has been taking place gradually, with full respect for the willingness of the displaced persons to start returning to their communities. The support they can expect upon their return is provided in advance, and the security of families is at all times guaranteed.

104. In this initial stage, the following forms of support have been given to each group of families that rejoin their community, in order to help them to fit into the community's economic life immediately: wood and sheet metal for building temporary housing; utensils for cooking and storing food; farming implements, seeds and other agricultural aids such as fertilizers and herbicides; and consignments of poultry and pigs. At the same time, governmental services have started returning to the area controlled by the EZLN; 30 rural medical units have been opened by IMSS-Solidarity, and educational services and supply systems for rural stores have gradually been restored.

D. The Mexican Government's efforts to combat marginalization in the State of Chiapas

1. Social development

105. Federal and State funds amounting to MN$ 776 million have been earmarked for the implementation of around 13,000 productive projects aimed at diversifying and consolidating the rural economy. These include the provision of electricity to 318 communities and the building of 1,200 kilometres of rural roads in Marqués de Comillas (La Selva region); the construction of 100 bridges on a number of rural roads; and work on 158 drinking water and sewer systems.

106. Of the 22,000 individuals displaced by the conflict, 18,500 have been assisted in returning to their homes in 174 communities in the municipalities of Ocosingo, Las Margaritas, Altamirano and La Independencia.

107. Each family has received assistance in the form of construction materials, utensils for cooking and storing food, farming implements and consignments of poultry and pigs.

108. SAGDR is distributing 103.6 tonnes of maize seeds, 80 tonnes of kidney bean seeds and 2,136 packages of vegetable seeds.

2. Public health

109. Public health services are being provided to 1.9 million residents of Chiapas, representing 64 per cent of the total population, through the 157 clinics and 11 branch hospitals of the Health Administration and the 5,225 medical units and 9 hospitals run by the IMSS-Solidarity Programme.

110. One hospital (in Guadalupe Tepeyac) and 35 medical units that had been closed because of the conflict have been reopened.

111. Building work has begun on 26 rural medical units run by the IMSS Solidarity Programme which will successively move into operation as from June; 10 medical units run by the SSA, which will become operational as from July; and the Altamirano Rural Hospital, which will begin providing services in August.

112. Six health centres and 11 branch hospitals are being renovated and equipped. Ten ambulances and 15 mobile medical units have been acquired.

113. Training is being given to 230 health workers and 100 assistants have been hired to help control cholera. Thirteen mobile units, each comprising a physician, a nurse and a dentist, have been set up in Las Cañadas (La Selva).

3. Public education

114. Of the 461 schools that were closed on account of the conflict, serving 26,000 pupils, 255 have been reopened. One hundred and seventy-five have been rehabilitated and a further 120 are being rehabilitated, with community support.

115. Thirty-five thousand pupils receive grants.

116. Five thousand educational facilities are kept in operation, 500 secondary schools have been provided with equipment and 39 institutions of upper middle education have been put into service.

4. Training

117. The Department of Public Education has provided technical training in more than 2,000 communities.

118. The Department of Labour and Social Security has made provision for 8,363 training grants for the unemployed. Of these, 2,005 are already being awarded for 69 courses. The training takes the form of agricultural, agro-industrial and industrial courses provided in all the regions of the State, including La Selva and Los Altos.

5. Communications and transport

119. Investments in the highway infrastructure represent 20 per cent of the budget provision at the national level and will enable the federal major highway system to be brought up to the standard of the rest of the country by the end of the year. The following highway projects are under way:

(a) Tuxtla Gutiérrez-Cosoleacaque, to link the State to the centre of the country; the current implementation rate is 18 per cent;

(b) The tarmacking of 180 km of the Fronteriza Sur highway;

(c) Rebuilding of the Las Couces-Arriaga highway. Maintenance work is being carried out on 1,603 km of the major highways, with a current implementation rate of 27 per cent.

120. Local construction firms are engaged in work to build, repair and maintain 181 rural roads. In Las Cañadas (La Selva) the 102-km-long Ocosingo-San Quintín road is being repaired and the 27-km-long San Quintín-Margaritas rural road is being tarmacked. Labour-intensive methods will be used to maintain the 2,500 km rural road system, thereby generating 800,000 days of work in the next six months.

121. Fifty communities will be linked by means of a rural telephone system.

6. Electrification

122. Electrification has been introduced in 14 communities in the Selva region, over and above the 318 social development operations completed throughout Chiapas.

7. Agrarian reform

123. Negotiations with 39 agrarian organizations resulted in 15 final agreements for the acquisition of 50,000 hectares through trust arrangements. So far, 20,061 hectares have been acquired for 83 property trusts serving 4,483 country-dwellers.

124. Eighteen guarantee funds have been set up, with assets of MN$ 140 million, as surety for the credits required for this programme. So far, 171 requests for credit have been approved.

125. The rules and mode of operation of trust arrangements that were holding up the acquisition of land have been reviewed.

8. Agricultural development

126. The following programmes have been started:

(a) The coffee growers' credit scheme: MN$ 140 million in credit to small producers for a total area of 140,000 hectares; credit extended to 68,000 coffee growers; 9.8 million days of work generated;

(b) The programme of direct support to farmers (PROCAMPO): MN$ 198 million in direct support to farmers for a total area of 450,000 hectares in 1995; support given to 260,000 farmers;

(c) Development of cotton growing: MN$ 42 million in funding; MN$ 7.4 million from PROCAMPO and the Ministry of Health, for a total area of 10,000 hectares and involving 620 farmers; one million days of work generated;

(d) Twenty-five million plants for coffee plantation rehabilitation.

127. Rules have been laid down to enable PROCAMPO to provide support for forest plantations. Tree nurseries serve as a basis for the development of rubber plantations.

9. Sustainable development of natural resources

128. At the first meeting on sustainable regional development for La Selva Lacandona, attended by representatives of governmental agencies, peasant organizations and research institutions, it was agreed to recommend the establishment of participatory planning bodies.

129. The process has begun to regularize the illegal forest management practices of Marqués de Comillas (La Selva). Appropriate penalties are being worked out and alternative sustainable management practices are being developed.

130. Sustainable development projects are being carried out in the El Ocote biosphere reserve. Decrees have been issued designating La Encrucijada and La Sepultura, covering 135,000 hectares and 177,000 hectares respectively, as wildlife protection areas.

131. In order to regulate the fishing industry efforts are being made to reach an agreement among fisherman's organizations and progress is being made with the two dredging programmes, Cabez del Toro-San Marcos and La Joya-Buenavista, with an implementation rate of 67 and 52 per cent respectively.

132. To improve water management, progress has been made with the hydro-agricultural programme, which has a current implementation rate of 35 per cent, and drinking water facilities are being established in 103 communities.

10. Development banks and funds

133. In the first five months of the year development banks funnelled more than MN$ 500 million in credit resources into the State of Chiapas.

National agricultural credit bank (BANRURAL)

134. Under an agreement with government agencies, the bank has provided budget resources for the purchase of 22,500 hectares.

135. It supports the credit programme for the 1995-1996 coffee crop.

The trusts-for-agriculture scheme (FIRA)

136. The programme for the current financial period is 13 per cent higher, in real terms, than in 1994.

137. It has approved credit lines to first-tier banks up to a maximum of MN$ 250 million for farmers in the low-income bracket for 1995. Funding will be provided for 568,000 hectares, essentially for 120,000 maize growers.

138. Its Rural Development Programme promotes horizontal and vertical integration for the streamlining of production processes.

National Foreign Trade Bank (BANCOMEXT)

139. The programme for the month of May amounts to US$ 22.6 million. Nearly US$ 16 million has been used to support coffee, banana and mango exports.

National Bank for Public Works and Services (BANOBRAS)

140. This provides the State with MN$ 133.23 million in support for drinking water, drains, infrastructure, urban equipment and housing. The rate of progress recorded for the programme in the month of May was nearly 50 per cent.

National Finance Corporation (NAFIN)

141. NAFIN carries out a credit rescheduling programme which is open to every kind of enterprise irrespective of the economic sector in which it operates.

Working Fund and Bank Financing for Housing (FOVI)

142. MN$ 18.1 million has been made available for 323 families who have become house owners.

143. Four thousand homes are being built which, it is planned, will be made available under credit arrangements in 1995 and 1996.

11. Employment, conciliation and arbitration services

144. In the first quarter of 1995 the employment service sent 2,358 applicants to occupy vacant posts and 641 persons were given jobs.

145. Special Board No. 49 of the Federal Conciliation and Arbitration Authority has been established, based in Tuxtla Gutiérrez.

12. Governance and institutional coordination

146. The Department of the Interior (SG) has requested all the agencies involved in the Chiapas Programme to develop a conceptual framework for comprehensive policies and coordinated actions by the Federal Government in respect of rights and indigenous culture, and welfare and development for the indigenous areas of the State.

147. The Department of the Interior and SEDES, with the participation of all the agencies, have drawn up a medium-term strategy geared to the following main objectives:

(a) Rights and indigenous culture

(i) Further the updating of the legal framework for handling complaints about practices and customs, traditions and forms of community government as a basis for the internal organization of free townships;

(ii) Promote the revaluation of indigenous culture; draw up cultural policies; review current teaching methods and curriculum content; and give wide expression to the multicultural character of the nation; and

(iii) Establish a new relationship between the State and the Indian peoples.

(b) Welfare and sustainable development

(i) The main objective is that the indices for education, health, housing, food, drinking water, drainage, electrification and communication infrastructure in Chiapas should attain the national mean by the year 2000;

(ii) On the basis of the experience acquired through the 100-days programme and the Las Cañadas programme, incorporate government policies into a single strategy calculated to reduce extreme poverty;

(iii) Assist the State Government in carrying out studies on the promotion of a law of justice and agrarian development for the State, in accordance with the law regulating article 27 of the Constitution;

(iv) Promote educational guidance policies whereby the population can be made aware of the need to adopt family-planning methods that will help to lower the birthrate;

(v) Promote the development of the State through regional programmes for the various areas of Chiapas;

(vi) Develop a new model of economic growth entailing redeployments in agriculture, stock breeding and forestry and incorporating the environmental dimension and sustainable development;

(vii) Strengthen municipal institutions, with organized community participation and new relations between institutions and communities, on the basis of social welfare centres in the main regions.